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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

THE UNITED STATES OF AMERICA,)
) Case No. 6:20-CR-06093
) (FPG)
)
) Plaintiff,)
)
)
 vs.) February 24th, 2020
) 9:45 a.m.
 FRANK SALERNO,)
)
)
) Defendant.)

**TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE MARK J. PEDERSON
UNITED STATES MAGISTRATE JUDGE**

APPEARANCES:

For the Plaintiff: JAMES P. KENNEDY, JR.
UNITED STATES ATTORNEY
BY: KYLE P. ROSSI, ESQ.
ASSISTANT UNITED STATES ATTORNEY
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For the Defendant: FEDERAL PUBLIC DEFENDER
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Proceedings recorded with electronic sound recording,
transcript prepared with computer-aided transcription.

01:31PM 1 THE CLERK: At this time, Court calls case number
01:31PM 2 19-mj-728. United States vs. Frank Salerno.

01:31PM 3 THE COURT: Good morning, sir. You are Frank
01:31PM 4 Salerno?

01:31PM 5 THE DEFENDANT: Yes, Your Honor.

01:31PM 6 THE COURT: You are appearing here with your counsel,
01:31PM 7 Mr. Ciccone?

01:31PM 8 THE DEFENDANT: Yes, Your Honor.

01:31PM 9 THE COURT: And I see Mr. Rossi here from the
01:32PM 10 government. This matter is on for a status conference. I was
01:32PM 11 conversing with your counsel prior to your arrival and I
01:32PM 12 understand that you're still under a Coonan order as a result
01:32PM 13 of some charges in Massachusetts, is that right?

01:32PM 14 THE DEFENDANT: Yes, Your Honor.

01:32PM 15 THE COURT: Okay. What's the status of the case?

01:32PM 16 MR. CICCONE: Judge, there has been a plea offer from
01:32PM 17 the government. I've actually reviewed that with Mr. Salerno
01:32PM 18 and the discovery that was provided to me under -- I think
01:32PM 19 there's some forensic discovery which Mr. Rossi says is
01:32PM 20 available upstairs. I had our computer expert check last week
01:32PM 21 and he said he didn't see it up there, so we're going to
01:32PM 22 double check on that. It should be relatively quick in this
01:32PM 23 case. Once I review that, then Mr. Salerno will be in a
01:32PM 24 position to know whether he wants to accept the plea.

01:32PM 25 THE COURT: Okay. Mr. Rossi?

01:33PM 1 MR. ROSSI: That's correct, Judge. And I believe
01:33PM 2 that the forensic results were made available to Mr. Grant,
01:33PM 3 who is the defense's expert. I'm going to go up right now,
01:33PM 4 though and make sure that they're immediately available, since
01:33PM 5 he was unable to locate them.

01:33PM 6 THE COURT: Okay. What would you like to do?

01:33PM 7 MR. CICCONE: Judge, I would ask if we could adjourn
01:33PM 8 this for about 30 days or so. That will give me time to
01:33PM 9 finish that up and possibly schedule this for the district
01:33PM 10 court.

01:33PM 11 THE COURT: Okay. Mr. Rossi?

01:33PM 12 MR. ROSSI: No objection, Judge.

01:33PM 13 THE COURT: Okay. Mr. Salerno, they've asked me to
01:33PM 14 adjourn this for another 30 days to allow your attorney to
01:33PM 15 review the evidence that the government has and discuss the
01:33PM 16 case with you to decide whether you want to go forward with a
01:33PM 17 plea offer or you want to go to trial. So, I will do that and
01:33PM 18 I find -- well, no one has asked me to make a finding yet.
01:33PM 19 Did you ask?

01:33PM 20 MR. CICCONE: I will make the motion to waive the
01:34PM 21 time between now and the adjourned date in the interest of
01:34PM 22 justice.

01:34PM 23 MR. ROSSI: I join in that request, Judge.

01:34PM 24 THE COURT: All right. And I will find that the ends
01:34PM 25 of justice in granting this adjournment outweigh the interest

01:34PM 1 of you and the public in a Speedy Trial because it will permit
01:34PM 2 you to decide whether to resolve this case in a matter more
01:34PM 3 favorable to yourself and without the need for a jury trial.
01:34PM 4 Therefore, I'll exclude the time under the Speedy Trial Act,
01:34PM 5 18 U.S.C. 3161(h) (7) (A) from now until the 24th.

01:34PM 6 THE CLERK: The 24th at 9:30, Judge.

01:34PM 7 THE COURT: March 24th at 9:30. Are you both
01:34PM 8 available?

01:34PM 9 MR. CICCONE: Yes, Judge. That's fine.

01:34PM 10 MR. ROSSI: Yes, Judge.

01:34PM 11 THE COURT: Okay, 3/24 at 9:30 and that will be for
01:34PM 12 status. Of course, if you end up successfully pleading in
01:34PM 13 front of the district court, you don't have to come back here
01:35PM 14 again.

01:35PM 15 MR. ROSSI: Great. Thank you, Judge.

01:35PM 16 MR. CICCONE: Thank you Judge.

01:35PM 17 THE COURT: Take care.

18 (Proceedings concluded at 9:48 a.m.)
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I certify that the foregoing is a
correct transcription of the proceedings
recorded by me in this matter.

s/ Megan E. Pelka, RPR

Official Court Reporter